

1980

## c 440 Regional Municipality of Peel Act

Ontario

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## CHAPTER 440

## Regional Municipality of Peel Act

## INTERPRETATION

## 1. In this Act,

Interpre-  
tation

- (a) "area municipality" means the municipality or corporation of the City of Mississauga, the City of Brampton and the Town of Caledon, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the Regional Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) "land" includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or

exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 92;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
  - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause 2 (1) (a), and
  - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Peel;
- (q) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 60, s. 1.

## PART I

### AREA MUNICIPALITIES

#### 2.—(1) On the 1st day of January, 1974,

Constitution  
of area  
municipalities

- (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the westerly prolongation of the centre-line of Lot 14, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the

limits described in subsection 8 (2) of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970.

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton and The Corporation of the Township of Toronto Gore are amalgamated as a city municipality bearing the name of The Corporation of the City of Brampton and those portions of the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such City:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the westerly prolongation of the centre-line of Lot 14;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;



NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE northerly, westerly and southerly along the east, north and west limits of the Town to the place of commencement;

SECONDLY, part of the Township of Chinguacousy, commencing where the south limit of the present

Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE northerly along that limit to its intersection with the line between Lots 18 and 19;

THENCE easterly along that line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE southerly along that centre line to its intersection with the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a town municipality bearing the name of The Corporation of the Town of Caledon and the portion of the Township of Chinguacousy described as follows is annexed to such town:

Part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly prolongation of the centre-line of No. 17 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the Township to its intersection with the centre line of No. 17 Side Road;

THENCE generally westerly along that centre line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE northerly along that centre line to its intersection with the line between Lots 18 and 19;

THENCE westerly along that line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE southerly along that east limit to its intersection with the centre line of the No. 17 Side Road;

THENCE generally westerly along that centre line to the place of commencement. 1973, c. 60, s. 2 (1).

Portion of  
Brampton  
annexed to  
Mississauga

(2) That portion of the City of Brampton described as follows is annexed to the City of Mississauga on the 1st day of July, 1975:

That tract of land situate in the City of Brampton, in The Regional Municipality of Peel, formerly in the Township of Toronto Gore, Southern Division, County of Peel, and being composed of part of Lot 13 in Concession IX, east of Hurontario Street, in the said City of Brampton, more particularly described as follows:

Beginning at the most southerly angle of the said Lot 13;

Thence northwesterly along the southwesterly limit of Lot 13, to the southwesterly angle of the Clairville Dam and Reservoir lands owned by the Metropolitan Toronto and Region Conservation Authority and described in an instrument registered in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 142749;

Thence northeasterly along the southerly limit of the Clairville Dam and Reservoir lands as described in the said Instrument Number 142749, 773.23 feet to an angle therein;

Thence northeasterly, continuing along the southerly limit of the Clairville Dam lands, being along the southerly limit of the lands described in an instrument registered in the said Land Registry Office as Number 175348, 523.33 feet, more

or less, to the intersection with the easterly limit of the City of Brampton, which is the westerly limit of the allowance for road between the City of Brampton and the Borough of Etobicoke;

Thence southerly along the last-mentioned limit to the southeasterly angle of the said Lot 13;

Thence southwesterly along the southeasterly limit of the said Lot 13 to the place of beginning. 1975, c. 46, s. 13, *part.*

(3) Those portions of the City of Brampton described as follows are annexed to the City of Mississauga on the 31st day of December, 1980:

Portions of  
Brampton  
annexed to  
Mississauga

**FIRSTLY**, part of the City of Brampton, commencing at a point in the southwesterly boundary of the City of Mississauga and the southwesterly prolongation of the centre line of Lot 14 in Concession VI, West of Hurontario Street, in the former Township of Toronto;

Thence northwesterly along the southwesterly boundary of the City of Mississauga to the intersection of the southwesterly prolongation of the southeasterly limit of a Plan deposited in the Land Registry Office for the Land Registry Division of Peel (No. 43) as Number 43R-4466;

Thence northeasterly to and along the southeasterly limit of the said Plan Number 43R-4466 to the northwesterly boundary of the City of Mississauga;

Thence southwesterly along the boundary of the City of Mississauga to the place of commencement;

**SECONDLY**, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Mississauga and the southeasterly limit of a Plan deposited in the said Land Registry Office as Number 43R-5349;

Thence southwesterly along the southeasterly limit of the said Plan Number 43R-5349 to the centre line of Concession VI, West of Hurontario Street;

Thence southeasterly along the centre line of Concession VI to the northwesterly boundary of the City of Mississauga;

Thence northeasterly along the northwesterly boundary of the City of Mississauga to the place of commencement;

**THIRDLY**, part of the City of Brampton, commencing at the intersection of the southwesterly limit of Concession V, West of

Hurontario Street, and the northwesterly boundary of the City of Mississauga;

Thence northwesterly along the southwesterly limit of Concession V, being along the boundary of the said City, to the northwesterly angle of Part 4 as shown on a Plan deposited in the said Land Registry Office as Number 43R-4116;

Thence north  $67^{\circ} 31' 50''$  east 1,327.383 metres to a point;

Thence north  $38^{\circ} 36' 40''$  east 146.206 metres to a point in the northeasterly limit of Lot 13 in Concession V distant 1.548 metres measured north  $44^{\circ} 56' 30''$  west from the easterly angle of Lot 13;

Thence northeasterly to a point in the southwesterly limit of Lot 13 in Concession IV West of Hurontario Street distant 1.646 metres measured north  $44^{\circ} 55' 40''$  west from the southerly angle of Lot 13;

Thence north  $38^{\circ} 36' 35''$  east 1,354.065 metres to a point in the southwesterly limit of Lot 13 in Concession III, West of Hurontario Street, distant 5.316 metres measured north  $44^{\circ} 37' 20''$  west from the southerly angle of Lot 13;

Thence north  $38^{\circ} 36' 35''$  east 2,002.256 metres to a point;

Thence north  $52^{\circ} 09' 01''$  east 838.1 metres, more or less, to the northwesterly boundary of the City of Mississauga, in Concession I, West of Hurontario Street;

Thence southwesterly along the northwesterly boundaries of the City of Mississauga to the place of commencement.

FOURTHLY, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Mississauga and the centre line of Lot 12 in Concession I, West of Hurontario Street in the former Township of Toronto;

Thence south  $52^{\circ} 09' 01''$  west 67 metres, more or less, to the centre line of Concession I;

Thence southeasterly along the centre line of Concession I to an angle in the City of Mississauga;

Thence northeasterly along the northwesterly boundary of the City of Mississauga to the place of commencement;

FIFTHLY, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Missis-

sauga and the southwesterly limit of Concession II, East of Hurontario Street in the former Township of Toronto;

Thence north  $44^{\circ} 09' 35''$  west along the southwesterly limit of Concession II 1.44 metres to a point;

Thence north  $39^{\circ} 28' 10''$  east 598.511 metres to a point;

Thence south  $31^{\circ} 20' 30''$  east 0.097 metres to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly limit of the City of Brampton to the place of commencement.

(4) Those portions of the City of Mississauga described as follows are annexed to the City of Brampton on the 31st day of December, 1980:

Portions of  
Mississauga  
annexed to  
Brampton

FIRSTLY, part of the City of Mississauga, commencing at the southwesterly angle of Part 3 as shown on a Plan deposited in the Land Registry Office for the Land Registry Division of Peel (No. 43) as Number 43R-4466;

Thence northeasterly along the southeasterly limit of plans deposited in the said Land Registry Office as numbers 43R-4466 and 43R-5349 to the centre line of Concession VI, West of Hurontario Street, in the former Township of Toronto;

Thence northwesterly along the centre line of Concession VI to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

SECONDLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the southerly limit of a Plan deposited in the said Land Registry Office as Number 43R-5349;

Thence easterly along the southerly limit of the said Plan Number 43R-5349 to the southwesterly limit of the road allowance between Concessions V and VI, West of Hurontario Street;

Thence easterly crossing the said road allowance to the westerly angle of Part 4 as shown on a Plan deposited in the said Land Registry Office as Number 43R-4116;

Thence northwesterly along the northeasterly limit of the said road allowance to an angle in the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

THIRDLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the centre line of Concession I, West of Hurontario Street, in the former Township of Toronto;

Thence south  $52^{\circ} 09' 01''$  west 611.4 metres, more or less, to the southeasterly boundary of the City of Brampton;

Thence northeasterly along the southeasterly limit of the northwesterly quarter of Lot 12 in Concession I to an angle in the City of Brampton;

Thence southeasterly along a northeasterly boundary of the City of Brampton to the place of commencement;

FOURTHLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the southerly limit of a Plan deposited in the said Land Registry Office as Number 43R-5308;

Thence north  $52^{\circ} 09' 01''$  east along the southerly limit of the said Plan Number 43R-5308 a distance of 472.4 metres, more or less, to an angle therein;

Thence north  $57^{\circ} 01' 40''$  east along the southerly limit of the said Plan Number 43R-5308 a distance of 115.928 metres to the easterly angle of the said Plan;

Thence easterly crossing the King's Highway No. 10 to the southwesterly angle of a Plan deposited in the said Land Registry Office as Number 43R-5348;

Thence north  $57^{\circ} 13'$  east along the southerly limit of the said Plan 294.894 metres to a point;

Thence north  $52^{\circ} 20' 20''$  east along the southerly limit of the said Plan a distance of 198.315 metres to a point;

Thence north  $39^{\circ} 28' 10''$  east 896.91 metres to the southwesterly limit of Concession II, East of Hurontario Street;

Thence northwesterly along the southwesterly limit of Concession II to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

FIFTHLY, part of the City of Mississauga, commencing at an angle in the southeasterly boundary of the City of Brampton, the

said angle being the southerly angle of the northeasterly half of Lot 12 in Concession II East of Hurontario Street in the former Township of Toronto;

Thence south 44° 15' 40" east 38.402 metres to a point;

Thence north 39° 28' 10" east 587.30 metres to a point;

Thence north 20° 43' 30" east 2,782.99 metres to a point;

Thence north 27° 58' east 869.52 metres to a point;

Thence north 4° 00' 50" west 652.1 metres, more or less, to the southeasterly boundary of the City of Brampton;

Thence southerly following the boundaries of the City of Brampton to the place of commencement.

(5) Subsection (7) applies with necessary modifications to the annexations provided for in subsections (2), (3) and (4). 1980, c. 76, s. 1. Annexations deemed by O.M.B. order

(6) The following police villages are dissolved on the 1st day of January, 1974: Dissolution of police villages

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

(7) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 22nd day of June, 1973 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 60, s. 2 (2, 3). Amalgamations, annexations, and dissolutions deemed by Municipal Board orders R.S.O. 1980, cc. 347, 302



Composition  
of area  
municipal  
councils

**3.—(1)** The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Mississauga—Nine members elected by wards.
2. The City of Brampton—Sixteen members elected by wards.
3. The Town of Caledon—Nine members elected by wards. 1973, c. 60, s. 3 (1).

Alteration  
of wards, etc.,  
by O.M.B.

R.S.O. 1980,  
c. 302

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 61.

Order of  
L. G. in C.

(3) Notwithstanding section 7, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 27.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 77.

Stay of  
proceedings  
pending  
completion of  
inquiry

4. No area municipality shall have a Board of Control. 1973, c. 60, s. 5.

No Board  
of Control

## PART II

### INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

5.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Peel".

Regional  
Corporation  
continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Deemed  
municipality  
under  
R.S.O. 1980,  
cc. 303, 347

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel.

Regional  
Area deemed  
judicial  
district

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Registry  
boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel. 1973, c. 60, s. 6, *revised*.

Appoint-  
ments for  
County of Peel  
deemed  
appointments  
for Judicial  
District of  
Peel

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional  
Council to  
exercise  
corporate  
powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers  
exercised  
by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either

Not to be  
quashed as  
unreasonable

wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 60, s. 7.

**Composition  
of Regional  
Council**

**7.** The Regional Council shall consist of twenty-two members composed of a chairman and,

- (a) the mayor of each area municipality;
- (b) nine members of council from the City of Mississauga being the remainder of the council of the City;
- (c) five members of council from the City of Brampton elected by wards as members of the Regional Council and such city council; and
- (d) four members of council from the Town of Caledon elected by wards as members of the Regional Council and such town council. 1973, c. 60, s. 8 (1).

**Election of  
chairman**

**8.—**(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 68 (1).

**Where  
chairman  
member of  
area council**

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 60, s. 9 (3).

**Failure  
to elect  
chairman**

(3) If at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 68 (2).

**First  
meeting of  
area councils**

**9.—**(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 69.

First  
meeting of  
Regional  
Council

(3) A person entitled to be a member of the Regional Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 60, s. 10 (4).

Certificate of  
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of  
allegiance  
and  
declaration of  
qualification

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

Declaration  
of office

R.S.O. 1980,  
c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 10. 1973, c. 60, s. 10 (6-8).

When Council  
deemed  
organized

**10.**—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum,  
voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 60, s. 11.

Chairman  
vote

**11.** Subject to section 9, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. 1973, c. 60, s. 12.

Place of  
meeting

**12.**—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor

Vacancies,  
chairman

in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 8 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 60, s. 13 (1-3).

Other  
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 60, s. 13 (4); 1976, c. 43, s. 62.

Resignation

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be a resignation from both councils.

Where head  
of council  
incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 60, s. 13 (5, 6).

Committees

**13.** The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 60, s. 15 (1).

Procedural  
by-laws

**14.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 60, s. 16.

**15.—**(1) The chairman is the head of the Regional Council <sup>Head of Council</sup> and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief <sup>Chief administrative officer</sup> administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief <sup>Application of R.S.O. 1980, c. 302</sup> administrative officer appointed under subsection (2) of this section. 1973, c. 60, s. 17.

**16.—**(1) When the chairman is absent or refuses to act, <sup>Acting chairman</sup> or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(2) The Regional Council may by by-law appoint a <sup>Idem</sup> member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 34.

**17.—**(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with <sup>Application of R.S.O. 1980, c. 302</sup> necessary modifications to the Regional Corporation. 1980, c. 33, s. 17.

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with <sup>Idem</sup> necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 60, s. 19 (2).

Appoint-  
ment of  
clerk

**18.**—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy  
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting  
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1973, c. 60, s. 20 (1-3).

Minutes  
open to  
inspection

**19.**—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of  
by-laws  
affecting  
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies  
certified by  
clerk to be  
receivable in  
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have

signed the same, and without further proof, unless the court otherwise directs. 1973, c. 60, s. 21.

**20.**—(1) The Regional Council shall appoint a treasurer <sup>Appointment of treasurer</sup> who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer <sup>Deputy treasurer</sup> who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer <sup>Acting treasurer</sup> is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 60, s. 22.

**21.**—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money <sup>Receipt and disbursement of money</sup> to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection (1), the Regional Council <sup>Signing of cheques</sup> may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund <sup>Petty cash fund</sup> of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, <sup>When member may be paid</sup> a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be



R.S.O. 1980,  
c. 305

performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*.

Treasurer's  
liability  
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 60, s. 23.

Bank  
accounts

**22.** Subject to subsection 21 (3), the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 21 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 60, s. 24.

Monthly  
statement

**23.**—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to  
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 60, s. 25.

Appointment  
of auditors

**24.**—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 28.

Cost of  
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional

Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1973, c. 60, s. 26 (2).

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1976, c. 43, s. 63. Disqualification  
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 60, s. 26 (4). Duties of  
auditors

**25.—**(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. Idem

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the Sick leave  
credits

municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

**Holidays**

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

**Offer of employment**

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 60, s. 27 (1-5).

**Application of R.S.O. 1980, c. 348**

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

**Offer of employment**

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

**Sick leave credits**

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

**Holidays**

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his

employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(10) Where under the provisions of this section any employee, <sup>Pension rights and sick leave credits</sup> in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(11) Nothing in this section prevents any employer from <sup>Termination of employment</sup> terminating the employment of an employee for cause. 1973, c. 60, s. 27 (7-12).

### PART III

#### REGIONAL ROAD SYSTEM

**26.** In this Part,

<sup>Interpre-</sup>  
<sup>tation</sup>

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 60, s. 28.

**27.**—(1) On and after the 1st day of January, 1974, all <sup>County roads to constitute regional road system</sup> roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga.

(2) The Regional Council may by by-law from time to time <sup>Adding or removing roads by by-law</sup> add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metro-

politan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of  
provincial  
highway to  
Regional  
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,  
c. 421

Vesting of  
roads in  
regional road  
system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of  
roads from  
regional road  
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads  
removed from  
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 37 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of  
land acquired  
for widening  
regional road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 60, s. 29 (1-8).

Consolidat-  
ing by-law

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 18.

Approval of  
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant

Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

(11) The *Regulations Act* does not apply to an order in council made under this section. 1973, c. 60, s. 29 (10, 11).

Application of  
R.S.O. 1980,  
c. 446

**28.** The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 60, s. 30.

Plans of  
construction  
and  
maintenance

**29.** Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 60, s. 31.

Furnishing of  
information  
to Minister

**30.** Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 60, s. 32.

Contribution  
towards  
expenditures  
R.S.O. 1980,  
c. 421

**31.** The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 60, s. 33.

Maintenance  
and repair

**32.** The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 60, s. 34.

Power over  
roads  
assumed

**Sidewalks  
excepted**

**33.**—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,  
c. 302

**Area muni-  
cipalities may  
construct  
sidewalks,  
etc.**

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

**How cost  
provided**

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,  
c. 250

**Area muni-  
cipality to  
conform to  
requirements  
and be  
responsible  
for damages**

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. 1973, c. 60, s. 35.

**Installation of  
traffic  
control  
devices**

**34.**—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

**Relocation of  
intersecting  
roads**

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

**Idem**

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road

and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 60, s. 36.

Construction of sidewalk, etc., on area municipality road

R.S.O. 1980, c. 250

**35.** Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 60, s. 37.

Intersection of other roads by regional road

**36.** The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1973, c. 60, s. 38.

New roads

**37.—(1)** With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 60, s. 39.

Establishment of bus lanes

**38.—(1)** The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

- (a) any gasoline pump within forty-five metres of any limit of a regional road;



- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 60, s. 40 (1); 1978, c. 87, s. 53 (1).

**Permits**

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 60, s. 40 (2).

**By-laws of area municipalities regulating traffic**

**39.**—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. 1973, c. 60, s. 41 (1); 1976, c. 43, s. 64 (1).

**Regional Council may approve by-law in whole or in part**

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

**Withdrawal of approval**

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 64 (2).

**Signal-light devices**

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

**Contribution towards costs of signal-lights**

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 60, s. 41 (2, 3).

**Traffic control within thirty metres of regional roads**  
R.S.O. 1980,  
c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 60, s. 41 (4); 1978, c. 87, s. 53 (2).

**Agreements for pedestrian walks**

**40.** The Regional Council may by by-law authorize agreements between the Regional Corporation and the

owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1973, c. 60, s. 42.

41.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways  
R.S.O. 1980,  
c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 60, s. 43.

Term of order

42. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the

Boundary bridges between area municipalities  
R.S.O. 1980,  
c. 302

area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 60, s. 44.

Boundary  
bridges  
between  
Regional Area  
and adjoining  
municipality

**43.** Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 60, s. 45.

Restrictions

**44.**—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 60, s. 46 (1); 1978, c. 87, s. 53 (3).

R.S.O. 1980,  
c. 379

Conflict  
with local  
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 60, s. 46 (2).

Controlled-  
access roads

**45.**—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing  
municipal  
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of  
application  
for approval  
for closing  
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of  
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers

proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. <sup>Closing road</sup>

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4). <sup>Appeal</sup>

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations. <sup>Time for appeal</sup>

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. <sup>Leave to appeal</sup>

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final. <sup>Practice and procedure on appeal</sup>

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1973, c. 60, s. 47. <sup>R.S.O. 1980, c. 347, s. 95, not to apply</sup>

46. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 60, s. 48. <sup>Private roads, etc., opening upon regional controlled-access road</sup>

47.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 46. <sup>Notice</sup>

Service  
of notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure  
to comply  
with notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

## Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-  
tion

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 45 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 46 in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 60, s. 49.

Regional  
liability  
where road  
forms part  
of system

**48.**—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

## Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1973, c. 60, s. 50 (1, 2).

R.S.O. 1980,  
c. 250

## Default

(3) Where the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area

municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 79.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 50 (4). Settling  
of doubts

49.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up  
highways

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 51. Agreement

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. 1973, c. 161, s. 1. Approval  
required to  
intersect  
regional road

50. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 60, s. 53. Application of  
R.S.O. 1980,  
c. 421

## PART IV

### MUNICIPAL HYDRO-ELECTRIC SERVICE

51. In this Part,

Interpre-  
tation

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

- (b) "power" means electrical power and includes electrical energy;
- (c) "regulations" means the regulations made under this Part. 1977, c. 29, s. 1, *revised*.

Commissions  
continued

**52.—**(1) The hydro-electric commission for each of the City of Brampton, the Town of Caledon and the City of Mississauga, established by *The Peel Municipal Hydro-Electric Service Act, 1977*, is continued and each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

R.S.O. 1980,  
cc. 423, 384

Composition

(2) The commission for the City of Brampton shall be known as the Brampton Hydro-Electric Commission and shall consist of the mayor of the City of Brampton and four additional members who are qualified electors under the *Municipal Elections Act* in the City of Brampton.

R.S.O. 1980,  
c. 308

*Idem*

(3) The commission for the City of Mississauga shall be known as the Mississauga Hydro-Electric Commission and shall consist of the mayor of the City of Mississauga and four additional members who are qualified electors under the *Municipal Elections Act* in the City of Mississauga.

*Idem*

(4) The commission for the Town of Caledon shall be known as the Caledon Hydro-Electric Commission and shall consist of the mayor of the Town of Caledon and two additional members who are qualified electors under the *Municipal Elections Act* in the Town of Caledon. 1977, c. 29, s. 2 (1-4).

Additional  
members of  
commissions

(5) The additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1978 the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Eligibility  
of members  
of council

(6) Members of the council of an area municipality served by a commission may be appointed as members of the commission, but the members of the council shall not form a majority of the commission.

Term of  
office

(7) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(8) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1977, c. 29, s. 2 (8-11).

(9) A resignation from the council of a member of a **Resignation** council who is a member of a commission shall be deemed to be a resignation from both the commission and the council. 1977, c. 29, s. 2 (13).

**53.**—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall be exercised on behalf of the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga by the commission established in respect of that municipality and not by the council of any municipality or any other body. **Powers of commissions**  
R.S.O. 1980, c. 423

(2) Subject to subsection (5) and to any subsisting contracts for the supply of power to customers within the meaning of subsection 37 (1) of the *Ontario Energy Board Act*, each commission has the sole right to supply power within the area municipality in respect of which it is established, and, on behalf of the area municipality, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality, without electoral assent or other approval or authorization and such contract shall be deemed to be an agreement within the meaning of clause 149(2)(s) of the *Municipal Act*. **Idem**  
R.S.O. 1980, 332

(3) Notwithstanding subsection (2), but subject to subsections (10) and (12), Ontario Hydro shall continue to supply power in those areas of the Town of Caledon which it served on the 12th day of July, 1977, and subsections (8) and (9) do not apply. **Where Ontario Hydro to continue to supply power**

(4) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions. **Application of**  
R.S.O. 1980, c. 384

(5) With the consent of a commission, Ontario Hydro may supply power directly to customers within the municipality in respect of which the commission is established. **Direct customers**

(6) Such management and control of works for the distribution and supply of power within the municipalities of the City of Brampton and the City of Mississauga as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before the 12th day of July 1977 remain entrusted to them to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may **Transitional**



by agreement be transferred before that date to a commission referred to in section 52.

Transfer of  
assets and  
liabilities

(7) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in the municipality of the City of Brampton, the Town of Caledon and the City of Mississauga, to the extent that they pertain to the distribution and supply of power in the municipality, are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

Purchase  
of retail  
distribution  
facilities  
from  
Ontario  
Hydro

(8) Subject to subsections (3) and (5) and the regulations, each commission shall acquire, on behalf of the area municipality served by the commission, the retail distribution facilities within the municipality used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Where  
price to be  
determined  
by  
arbitration  
R.S.O. 1980,  
c. 25

(9) If the price of the facilities referred to in subsection (8) has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to the *Arbitrations Act* in accordance with subsection (8) and the regulations and the decision of the arbitrator shall not be subject to appeal.

Power of  
council to  
direct supply  
of power by  
Caledon  
Hydro-  
Electric  
Commission

(10) The council of the Town of Caledon may by by-law direct the Caledon Hydro-Electric Commission to commence the distribution and supply of power, on a day specified by the council, in all areas of Caledon supplied with power by Ontario Hydro pursuant to subsection (3), and on the day specified, subsections (8) and (9) and section 56 apply with necessary modifications.

Review  
by council

(11) Until such time as the power conferred by subsection (10) has been exercised, the council of the Town of Caledon shall review the distribution and supply of power within the Town of Caledon at least once in every three calendar years, and shall determine by resolution whether the power conferred by subsection (10) should be exercised.

When  
council to  
exercise  
power

(12) If, in the course of a review referred to in subsection (11), the council of the Town of Caledon determines, in accord-

ance with the regulations, that it is financially feasible for the Caledon Hydro-Electric Commission to distribute and supply power in the entire Town of Caledon, the council shall exercise the power conferred by subsection (10). 1977, c. 29, s. 3.

**54.**—(1) All real property transferred pursuant to section 53 to the control and management of a commission or otherwise acquired by or for the commission, shall be vested in the area municipality served by the commission. Vesting of real property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows: Disposition of real property

1. In the event that the area municipality served by the commission wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality served by the commission does not wish to retain the real property in accordance with paragraph 1, the area municipality shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with the *Public Utilities Act*. 1977, c. 29, s. 4. R.S.O. 1980, c. 423

**55.** Except as otherwise provided in this Part, sections 92 to 116 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1977, c. 29, s. 5. Borrowing

**56.**—(1) In this section, “transfer date”, when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a com- Interpretation

mission assumes liability for the payment of the wages or salary of the employee.

Transfer of  
employees

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the municipalities of the City of Brampton and the City of Mississauga and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the municipalities on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established in respect of those municipalities shall offer employment to the employees so designated.

Idem

(3) On or before the 31st day of December, 1977 the Caledon Hydro-Electric Commission shall offer employment to each employee employed in the distribution and supply of power by the Bolton Hydro-Electric Commission on the 1st day of January, 1977, who continued such employment until the 31st day of December, 1977 or until his transfer date, as the case may be. 1977, c. 29, s. 6 (1-3).

Participation  
in O.M.E.R.S.

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 12th day of July, 1977, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1980,  
c. 348

Supple-  
mentary  
agreements

(5) Where a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an area municipality and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of  
pension  
credits from  
Ontario  
Hydro  
plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund,

whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

(7) Notwithstanding subsection (4), a person who accepts <sup>Pension guarantee</sup> employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer. <sup>Group life insurance</sup>

(9) Each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date. <sup>Idem</sup>

(10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and <sup>Sick leave</sup>

thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life  
insurance  
provided to  
pensioners

(11) The commissions shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by public utilities commissions and municipal hydro-electric commissions.

Termination  
for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special  
circum-  
stances

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1977, c. 29, s. 6 (5-14).

Dissolution  
of existing  
commissions

57. For the purposes of section 135 of *The Regional Municipality of Peel Act, 1973*, the 1st day of January, 1978 is the date determined by the Minister in respect of the area within the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga, and on that date the municipal hydro-electric commissions and public utilities commissions supplying electrical power and energy in that area are dissolved and the by-laws establishing them passed pursuant to section 37 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1977, c. 29, s. 7.

R.S.O. 1980,  
c. 423

Regulations

58. The Lieutenant Governor in Council may make regulations,

(a) for the purposes of subsection 53 (8) in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the facilities;
- (b) for the purposes of subsection 53 (12), in respect of criteria to determine financial feasibility for the distribution and supply of power;
- (c) for the purposes of subsection 56 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1977, c. 29, s. 8.

## PART V

### PLANNING

**59.**—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under the *Planning Act* to be known as the Peel Planning Area. 1973, c. 60, s. 54 (1).

Planning  
area

R.S.O. 1980,  
c. 379

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 73.

Designated  
municipality

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

Planning  
areas  
dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under the *Planning Act* and no area municipality shall establish a planning board.

Area municipi-  
palities  
subsidiary  
planning  
areas

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

Proviso

Effect of  
official plan

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1973, c. 60, s. 54 (3-6).

Planning  
duties  
of Regional  
Council

**60.**—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and
- (c) consult with any local board having jurisdiction within the Peel Planning Area.

Official  
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Appointment  
of planning  
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 60, s. 55 (1-3).

Regional  
Corporation  
deemed  
municipality  
under  
R.S.O. 1980,  
c. 379

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and, where the Regional Council meets in respect of matters pertaining

to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 74.

(5) The Regional Corporation shall be deemed to be a *Idem*  
county for the purposes of section 47 of the *Planning Act*. R.S.O. 1980,  
c. 379

(6) The Regional Corporation may enter into agreements *Agreements*  
with area municipalities or persons relating to approval of *re plans of*  
plans of subdivision *subdivision*.

(7) The Regional Corporation, with the approval of the *Agreements*  
Minister of Housing, may enter into agreements with any gov- *re special*  
ernmental authority, or any agency thereof, created by statute for *studies*  
the carrying out of studies relating to the Peel Planning Area or  
any part thereof. 1973, c. 60, s. 55 (5-7).

(8) All committees of adjustment heretofore constituted *Committees*  
by the council of a local municipality in the Peel Planning *of*  
Area are dissolved on the 31st day of December, 1973, and the *adjustment*  
council of each area municipality shall by by-law constitute and  
appoint a committee of adjustment under section 48 of the *Plan-*  
*ning Act*, but notwithstanding the provisions of such Act no such  
committee shall have any authority to grant consents referred to in  
section 29 of such Act.

(9) The Regional Council shall, without notice from the Minis- *Land*  
ter of Housing, constitute and appoint a land division committee *division*  
composed of such number of persons not fewer than three as the *committee*  
Regional Council considers advisable, to grant consents referred  
to in section 29 of the *Planning Act*. 1973, c. 60, s. 55 (9, 10).

61. Except as provided in this Part, the provisions of *Application*  
the *Planning Act* apply to the Regional Corporation. 1973, *of*  
c. 60, s. 56. R.S.O. 1980,  
cc. 379

## PART VI

### HEALTH AND WELFARE SERVICES

62.—(1) The Regional Corporation shall be deemed to be *Liability*  
a city for all the purposes of the provisions of the *Public* *for hospital-*  
*Hospitals Act* and the *Private Hospitals Act* respecting hospi- *ization of*  
titalization and burial of indigent persons and their dependants, *indigents*  
and no area municipality has any liability under such pro- R.S.O. 1980,  
visions. cc. 410, 389



Existing  
liabilities  
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

Proviso

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 60, s. 57.

Aid to  
hospitals

**63.**—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1973, c. 60, s. 58 (1).

Responsibility  
of Regional  
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 80.

Hospital  
costs form  
part of  
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 85. 1973, c. 60, s. 58 (3).

Regional  
Area to be  
health unit  
R.S.O. 1980,  
c. 409

**64.**—(1) The Regional Area is continued as a health unit established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit shall be known as the Peel Regional Board of Health.

Dissolution  
of Peel  
health unit

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become the assets and liabilities of the Peel Regional Board of Health.

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 60, s. 59. <sup>Boundaries fixed</sup>

**65.**—(1) The Peel Regional Board of Health shall be composed of, <sup>Constitution of health board</sup>

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 60, s. 60 (1).

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 60, s. 60 (3). <sup>Expenses of board</sup>  
<sup>R.S.O. 1980, c. 409</sup>

**66.**—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: <sup>Regional Corporation deemed city under R.S.O. 1980, cc. 21, 263, 463, 527</sup>

- 1. *Anatomy Act.*
- 2. *Mental Hospitals Act.*
- 3. *Sanatoria for Consumptives Act.*
- 4. *War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: <sup>Regional Corporation deemed county under R.S.O. 1980, cc. 111, 188, 200</sup>

- 1. *Day Nurseries Act.*
- 2. *General Welfare Assistance Act.*
- 3. *Homemakers and Nurses Services Act.* 1973, c. 60, s. 61.

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the <sup>Assets and liabilities</sup>

event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 161, s. 3.

Liability  
for homes  
for aged

R.S.O. 1980,  
c. 203

**67.**—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Peel county  
homes for  
aged vested  
in Regional  
Corporation

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 60, s. 62.

Residents  
of other  
homes for  
aged

**68.**—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Amount of  
maintenance  
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 60, s. 63.

Area  
municipality  
not  
municipality  
under  
R.S.O. 1980,  
c. 66

**69.** No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 60, s. 64, *revised*.

Liability  
under order  
made under  
R.S.C. 1970,  
c. J-3

**70.** Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 60, s. 66.

Information

**71.** Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1973, c. 60, s. 67.

**72.** In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 60, s. 68. Adjustments

**73.** The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 60, s. 69. Grants, etc.,  
to approved  
corporations  
under  
R.S.O. 1980,  
c. 201

## PART VII

### POLICE

**74.** In this Part, "Peel Police Board" means the Peel Regional Board of Commissioners of Police. 1973, c. 60, s. 70. Interpre-  
tation

**75.—(1)** The board of commissioners of police known as the Peel Regional Board of Commissioners of Police is continued and shall consist of, Peel  
Regional  
Board  
continued

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of a county or district court designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 60, s. 71 (1, 2). Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 76. Remunera-  
tion

**76.—(1)** On and after the 1st day of January, 1974,

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord- Regional  
Corporation  
deemed  
city under  
R.S.O. 1980,  
c. 381

ing to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;

(b) the *Police Act*, except section 70, does not apply to any area municipality; and

(c) the Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 60, s. 72 (1); 1978, c. 33, s. 77.

**Fines**

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1973, c. 60, s. 72 (2).

**Area police force**

**77.**—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 25 (4) and (10) apply to such members.

**Peel Regional Police Force**

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police. 1973, c. 60, s. 73 (1, 2).

**Terms of employment**

(3) Every person who becomes a member of the Peel Regional Police Force under subsection (1) shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as

established for the Town of Mississauga Police Force on and after the 1st day of January, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 60, s. 73 (3); 1973, c. 161, s. 4 (1); 1978, c. 87, s. 53 (4).

(4) Notwithstanding clause (3) (a), those members of the Peel Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (6), and its successor, shall be entitled to negotiate with the Peel Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 1973, c. 161, s. 4 (2).

(5) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in the *Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee. 1973, c. 60, s. 73 (4, 5).

Supplementary  
pension plans

Civilian  
employee  
retirement

Joint  
bargaining  
committee

R.S.O. 1980,  
c. 381

Application of  
R.S.O. 1980,  
c. 302

(7) Section 100 of the *Municipal Act* applies with necessary modifications to the Peel Police Board. 1973, c. 60, s. 73 (7).

Assumption  
of buildings

**78.**—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 60, s. 74 (1).

Extension  
of time

(2) Notwithstanding subsection (1), a by-law assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building  
not used  
exclusively  
for police  
force

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional  
Corporation  
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or

building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 60, s. 74 (3-5).

(5) If the Regional Corporation fails to make any payment <sup>Default</sup> on or before the due date required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 81 (1).

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation <sup>Accommodation</sup> in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Peel Police Board, each area <sup>Office supplies, etc.</sup> municipality, for the use of the Peel Police Board,

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 60, s. 74 (7, 8).

(8) All signal and communication systems owned by any local <sup>Signal system</sup> municipality and used for the purposes of the police force of the <sup>transferred</sup>



municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 81 (2).

Settling  
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 74 (10).

Property  
to be  
provided

**79.** The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board. 1973, c. 60, s. 75.

## PART VIII

### REGIONAL WATERWORKS SYSTEM

Supply and  
distribution  
of water by  
Regional  
Corporation

**80.**—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

Method of  
financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban ser-

vice areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation of special assessment rolls and collection of special assessments

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Regional Corporation may require area municipality to collect moneys  
R.S.O. 1980, cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of O.M.B.

Area municipalities,  
no power to  
supply and  
distribute  
water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of  
property in  
Regional  
Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments  
of principal  
and interest  
to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 117, s. 36, *part*.

R.S.O. 1980,  
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 82.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

(13) The Regional Corporation may enter into an agree- <sup>Idem</sup>ment with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice <sup>Entry by clerk on collector's roll</sup> to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. <sup>R.S.O. 1980, c. 423</sup>

(15) All urban service areas as they exist on the 31st <sup>Existing urban service areas</sup> day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 36, *part.*

## PART IX

### REGIONAL SEWAGE WORKS

81.—(1) On and after the 1st day of January, 1975, the <sup>Regional Corporation responsibility for collection and disposal of sewage</sup> Regional Corporation shall, except as provided in subsection (12), have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 36, *part.*

(2) The Regional Corporation may finance the whole or <sup>Method of financing</sup> any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

<sup>R.S.O. 1980, c. 31</sup>

(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 36, *part*; 1976, c. 70, s. 32.

Preparation of special assessment rolls and collection of special assessments

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required

R.S.O. 1980, c. 250, 302

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of  
property in  
Regional  
Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 36, *part*.

Regional  
Corporation  
liability

R.S.O. 1980,  
c. 250

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 83.

Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Area  
municipality  
responsi-  
bility for  
storm  
drainage

Regional  
Corporation  
may under-  
take land  
drainage  
program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing  
urban service  
areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 36, *part*.

## PART X

### FINANCES

Interpre-  
tation  
R.S.O. 1980,  
c. 31

**82.** In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 60, s. 78 (1).

Investment of  
moneys not  
immediately  
required  
R.S.O. 1980,  
c. 302

**83.**—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 60, s. 79.

Deemed  
municipality  
for purposes of  
R.S.O. 1980,  
c. 102

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 84.

### YEARLY ESTIMATES AND LEVIES

Yearly  
estimates

**84.**—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance  
to be made  
in estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application  
of  
R.S.O. 1980,  
cc. 31, 302

**85.—**(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on  
area muni-  
cipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Apportion-  
ment

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Idem

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Assessment

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Copy to  
Regional  
Corporation  
and area  
municipality

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue,

Appeal



the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

Amendment  
of by-law  
where  
necessary  
following  
appeal

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed  
assessments,  
etc., not  
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1973, c. 60, s. 81 (1-9).

R.S.O. 1980,  
c. 31

Assessment  
to include  
valuations  
on properties  
for which  
payments in  
lieu of taxes  
paid

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof

or Ontario Hydro or under subsection 137 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*. 1973, c. 60, s. 81 (10); 1973, c. 57, s. 19.

R.S.O. 1980,  
cc. 302, 402,  
359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation  
of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy  
by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional  
levy

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 60, s. 81 (11-14).

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 85.

Default

**86.**—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Assessment  
of merged  
areas

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality

Notice

under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportionment among merged areas  
R.S.O. 1980,  
c. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection (1), and subsection (26) 9 of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 60, s. 82 (1-3).

Levy by  
Regional  
Council  
before  
estimates  
adopted

**87.**—(1) Notwithstanding section 85, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 85 (14) and (15) apply to such levy.

Levy under  
s. 85 to be  
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 85.

Levy by  
area  
municipality  
before  
estimates  
adopted

(3) Notwithstanding section 86, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under  
s. 86 to be  
reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 86.

Application of  
R.S.O. 1980,  
c. 302

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 60, s. 83 (2-6).

Rates under  
R.S.O. 1980,  
c. 129, Pt. IV

**88.**—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for  
public  
school  
purposes on  
commercial  
assessment

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial

assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

R.S.O. 1980,  
c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for  
public  
school  
purposes on  
residential  
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for  
secondary  
school  
purposes on  
commercial  
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

Rates for  
secondary  
school  
purposes on  
residential  
assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with such regulation. 1973, c. 60, s. 84.

Regulations  
under R.S.O.  
1980, c. 129  
to apply

#### ADJUSTMENTS

**89.** The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 60, s. 85.

Transitional  
adjustments

## RESERVE FUNDS

Reserve funds  
of muni-  
cipalities

**90.**—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 60, s. 89.

Reserve  
funds,  
establish-  
ment

**91.**—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 33 (1).

Invest-  
ments  
and income

The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys from part of the reserve fund. 1973, c. 60, s. 90 (2).

R.S.O. 1980,  
c. 512

Expenditure  
of reserve  
fund  
moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 33 (2).

Auditor to  
report  
on reserve  
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 60, s. 90 (4).

## TEMPORARY LOANS

Current  
borrowings

**92.**—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for

principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

**Execution of agreements**

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

**Penalty for excess borrowings**

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

**Penalty for mis-application of revenues by Regional Council**

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

**Penalty for mis-application of revenues by officials**

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

**Saving as to penalties**

R.S.O. 1980,  
c. 303

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 29.

**Temporary borrowing  
R.S.O. 1980,  
c. 361**

**93.—**(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

**Application of proceeds**

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 65.

## DEBT

94.—(1) Subject to the limitations and restrictions in this <sup>Debt</sup> Act and the *Ontario Municipal Board Act*, the Regional <sup>R.S.O. 1980,</sup> Council may borrow money for the purposes of, <sup>c. 347</sup>

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by <sup>Liability</sup> the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area <sup>Limitation</sup> municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, on or before the 31st day <sup>Uncompleted works</sup> of December, 1973,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 97 and no further approval of the Municipal Board is required.



Bonds,  
debentures,  
etc., trustee  
investments  
R.S.O. 1980,  
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1973, c. 60, s. 92.

Power to  
incur debt  
or issue  
debentures  
R.S.O. 1980,  
c. 347

95. Subject to the limitations and restrictions of this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 94 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 60, s. 93.

Idem

96.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1973, c. 60, s. 94.

Borrowing  
pending  
issue and  
sale of  
debentures

97.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of

such advance or loan to the area municipality. 1977, c. 34, s. 30 (1).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 110, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 60, s. 95 (3-5). Hypothecation not to prevent subsequent sale of debentures

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 30 (2). Signature of chairman, etc., may be mechanically reproduced

**98.**—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, Special levy against area municipalities

the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General  
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by  
area muni-  
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Instalment  
debentures  
and  
debentures  
to refund  
existing  
debentures  
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed <sup>Levy</sup> by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area <sup>Levies</sup> municipality are a debt of the area municipality to the <sup>a debt</sup> Regional Corporation.

(10) The Regional Council may by by-law authorize a <sup>By-law to</sup> change in the mode of issue of the debentures and may <sup>change</sup> provide that the debentures be issued with coupons instead <sup>mode of</sup> of in amounts of combined principal and interest or <sup>issuing</sup> *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 60, s. 96 (1-10). <sup>debentures</sup>

(11) All the debentures shall be issued within two years <sup>Debentures.</sup> after the passing of the by-laws unless, on account of the <sup>when to be</sup> proposed expenditure for which the by-law provides being <sup>dated and</sup> estimated or intended to extend over a number of years <sup>issued</sup> and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 60, s. 96 (11); 1976, c. 43, s. 66 (1).

(12) All the debentures shall bear the same date, except <sup>Date of</sup> where they are issued in sets, in which case every debenture <sup>debentures</sup> of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension  
of time  
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application  
after time  
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective  
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Con-  
solidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Con-  
solidating  
debenture  
by-laws  
R.S.O. 1980,  
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Redemption  
before  
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed, or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be <sup>Currency</sup> issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;  
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures <sup>Annual rates</sup> issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal  
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Con-  
solidated  
bank  
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking  
fund  
committee

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 60, s. 96 (12-24).

Alternate  
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 34.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands,

in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. R.S.O. 1980,  
c. 302

(28) Two members of the sinking fund committee are a Quorum quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of  
sinking  
fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. With-  
drawals  
from bank  
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 60, s. 96 (26-31). Invest-  
ments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under the *Trustee Act*;

R.S.O. 1980,  
c. 512

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 60, s. 96 (32); 1976, c. 43, s. 66 (2).



Deposit of  
securities  
with  
Treasurer  
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of  
securities  
by Treasurer  
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking  
fund  
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings  
credited  
to sinking  
fund  
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures;

shall be credited to the sinking fund account mentioned in clause (a).

Sinking  
fund  
require-  
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Failure to  
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
  - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
  - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
  - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit  
and  
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

Term  
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to  
be raised  
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 60, s. 96 (33-45).

Retirement  
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 60, s. 96 (46); 1976, c. 43, s. 66 (3).

All  
debentures  
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 66 (4).

Debentures  
payable  
on a fixed  
date subject  
to the annual  
redemption  
by lot of a  
specified  
principal  
amount

99. Notwithstanding any other provision of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to

redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year annual amounts payable to be approximately equal

during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 67.

Application of  
R S O 1980,  
c. 392

**100.**—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 35.

Hypothecation  
not a sale  
under this  
section

(2) For the purposes of this section, the hypothecation of debentures under section 97 shall not constitute a sale or other disposal thereof.

Consolidation  
of  
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special  
assessment  
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1973, c. 60, s. 97 (2-4).

Repeal of  
by-law when  
part only  
of money  
to be raised

**101.**—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to  
take  
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 60, s. 98.

Until debt  
paid certain  
by-laws  
cannot  
be repealed

**102.**—(1) Subject to section 101, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1973, c. 60, s. 99.

Application  
of payments

**103.** Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 60, s. 100.

Offence for  
neglect of  
officer  
to carry  
out by-law

**104.—(1)** Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money  
by-laws may  
be registered

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application  
to quash  
registered  
by-law, when  
to be made  
R.S.O. 1980,  
cc. 347 126,  
250

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when  
by-law to  
be valid  
and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought

Quashing  
part of  
by-law

within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal  
of  
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal  
by-laws not  
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 96 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 98 (5) have not been substantially complied with.

Failure  
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 60, s. 101.

Debentures,  
how sealed  
and executed

**105.**—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest  
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical  
reproduction  
of  
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of  
mechanical  
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has

the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 60, s. 102.

106. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 60, s. 103.

107.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....  
.....  
of .....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.



Require-  
ments as to  
endorsing  
certificate  
of  
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by  
entry in  
Debenture  
Registry  
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Registration  
of debenture  
as to principal  
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 60, s. 104.

When  
Debenture  
Registry  
Book  
may be  
maintained  
outside  
Canada

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 68.

Replacement  
of lost  
debentures

**108.** Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 60, s. 105.

Exchange  
of  
debentures

**109.**—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request  
of sinking  
fund  
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New  
debenture  
of same force  
and effect as  
debenture  
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 60, s. 106.

Debentures  
surrendered  
for exchange  
to be  
cancelled

**110.**—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application  
of proceeds  
of  
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

## Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 60, s. 107.

## Use of proceeds of sale of asset acquired from proceeds of sale of debentures

**111.** Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 110 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1973, c. 60, s. 108.

## Tenders for debentures

**112.** When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 60, s. 109.

## Accounts, how to be kept

**113.—(1)** The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
  - (i) an additional account for the interest, if any, and
  - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 60, s. 110.

Consolidated  
interest  
account

114. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1973, c. 60, s. 111.

Application  
of surplus  
money

115.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability  
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by  
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 60, s. 112.

Disquali-  
fication

116. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing  
of  
debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 60, s. 113.

## PART XI

### GENERAL

Application of  
R.S.O. 1980,  
c. 302

**117.**—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 86 (1).

Loans re  
sewer and  
water  
connections

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (5), (6) and (7) of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 37 (2).

Erections,  
annexations  
and amalga-  
mations

(3) Sections 10 and 11 and, subject to subsection 2 (7), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-  
portation  
systems,  
refuse dis-  
posal, enter-  
tainment  
expenses,  
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*.

Delegation  
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by sub-

section 33 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 60, s. 115 (3-5).

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 31 (2).

Application of  
R.S.O. 1980,  
c. 297

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 86 (2).

Deemed  
municipality  
for purposes of  
R.S.O. 1980,  
c. 302

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 60, s. 115 (7).

By-laws

(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 3.

Idem

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (4), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets. 1973, c. 60, s. 115 (9).

Vesting of  
trans-  
portation  
system assets  
in Regional  
Corporation

(11) The Regional Council may establish and operate a system for the transportation of handicapped persons and the provisions of subsection (10) shall not apply thereto. 1980, c. 76, s. 2.

Transportation  
system for  
handi-  
capped  
persons

(12) If the Regional Corporation fails to make any payment on or before the due date required by subsection (10), the area

Default

municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. 1979, c. 81, s. 86 (3).

Emergency  
measures,  
civil  
defence

**118.**—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,  
c. 302

Powers of  
Regional  
Council re  
emergency  
measures

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 60, s. 116 (1, 2).

R.S.C. 1970,  
c. W-2

**119.**—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre and the Regional Council may pass by-laws for establishing and maintaining a department for such purpose and for appointing a commissioner to be responsible for diffusing such information.

Expenditures  
for  
publicity

(2) The Regional Corporation and other municipalities may pool their funds and act jointly for the purposes of subsection (1). 1979, c. 112, s. 1 (1).

Pooling  
of funds

(3) Paragraph 50 of section 210 of the *Municipal Act* applies with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. 1973, c. 60, s. 117 (2); 1979, c. 112, s. 1 (2).

Application of  
R.S.O. 1980,  
c. 302

**120.** Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 60, s. 119.

Payment  
of damages  
to employees

R.S.O. 1980,  
c. 539

**121.**—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investi-  
gation  
by county  
judge of  
charges of  
malfeasance

R.S.O. 1980,  
c. 411

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable  
to judge

R.S.O. 1980,  
c. 223



**Engaging  
counsel**

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

**Idem**

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 60, s. 120.

**Commission  
of inquiry**

**122.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of the *Public Inquiries Act*.

**When  
commission  
may issue**

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

**Expenses  
of  
commission**

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 60, s. 121.

**Entry on  
highways,  
etc.**

**123.** The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 60, s. 122.

**Agreements  
re services**

**124.** The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 60, s. 123.

**125.**—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection (2) “Regional Corporation” and “area municipality” include a local board thereof. 1973, c. 60, s. 124. Interpretation

**126.**—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function  
of clerk,  
collector  
and  
assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 60, s. 125.

County  
dissolved

**127.**—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

Assets and  
liabilities,  
etc.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer

of the County of Peel shall be transferred to the clerk, and on the same date that portion of the Town of Oakville described in clause 2 (1) (a) is withdrawn from the County of Halton. 1973, c. 60, s. 126.

**128.**—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14(11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Peel.

Powers of  
Municipal  
Board

R.S.O. 1980,  
c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling  
of doubts

R.S.O. 1980,  
c. 347

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final. 1973, c. 60, s. 127.

Idem

**129.** The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 60, s. 128.

Conditional  
powers

**130.**—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Conflict  
with other  
Acts

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 60, s. 129.

Special  
legislation

Municipal  
buildings

**131.**—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of  
R.S.O. 1980,  
c. 302, s. 125

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 60, s. 130.

Inter-  
pretation

**132.**—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council.

Receiving  
and disposing  
of waste by  
Regional  
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 60, s. 131 (1, 2).

Waste  
disposal  
sites

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 60, s. 131 (3); 1974, c. 117, s. 39.

Payments of  
principal  
and interest  
to area muni-  
cipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 60, s. 131 (1-4).

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 87. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B.  
to arbitrate

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1973, c. 60, s. 131 (6, 7). Application of  
R.S.O. 1980,  
c. 302

**133.** Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 60, s. 132. Agreement  
successor  
rights

**134.** The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 60, s. 133. Regional  
Fire  
Co-ordinator

**135.—(1)** Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing  
speed  
limits  
continued  
R.S.O. 1980,  
c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of  
Regional  
Council and  
area councils

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall Existing  
speed limits  
continued

continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 60, s. 134.

Boards,  
etc.,  
dissolved

**136.**—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 of *The Regional Municipality of Peel Act, 1973*, being chapter 60 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council  
deemed  
recreation  
committee,  
etc.  
R.S.O. 1980,  
cc. 276, 80

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder, and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 60, s. 136.

Acquiring  
land for  
parks, etc.

**137.**—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,  
c. 417

Sale of  
spirituous,  
etc., liquors  
in parks

R.S.O. 1980,  
c. 244

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of  
R.S.O. 1980,  
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional  
Corporation a  
municipality  
under  
R.S.O. 1980,  
cc. 367, 80

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act* and the *Community Recreation Centres Act*.

Park lands  
owned by  
conservation  
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are

managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*. R.S.O. 1980, c. 198

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 60, s. 137. Payment in lieu of taxes

**138.** The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation. 1973, c. 60, s. 138. County museum vested in Regional Corporation

**139.** Notwithstanding the provisions of any other Act, The Regional Municipality of Peel is a school division and the Peel County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for The Regional Municipality of Peel. 1973, c. 60, s. 139. Regional Municipality school division R.S.O. 1980, c. 129

**140.** Section 59 of the *Education Act* applies to the election of the members of The Peel County Board of Education. 1973, c. 60, s. 140 (2). School board elections

**141.**—(1) Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 60, s. 142. Public library boards R.S.O. 1980, c. 414

(2) An order made under subsection (1) may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders. 1979, c. 81, s. 88. Retroactive orders



Power of  
cities in  
Regional  
Area to  
pass by-laws  
R.S.O. 1980,  
c. 302

**142.** The council of the City of Mississauga and the council of the City of Brampton may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1973, c. 60, s. 143; 1973, c. 161, s. 8.

### FORM 1

(Section 9 (4) )

### OATH OF ALLEGIANCE

I, .....  
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1973, c. 60, Form 1.

### FORM 2

(Section 9 (4) )

### DECLARATION OF QUALIFICATION BY CHAIRMAN

I, .....  
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

1973, c. 60, Form 2.